IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION No. 16217 of 2004

Between:

Ch.Madhusudhan Reddy, S/o Sri Narsimha Reddy, aged about 46 years,
R/o 5-186/3-1, Near Sub Registrar Office, Mancherial, Adilabad District

..... PETITIONER

AND

1 Northern Power Distribution Company of A.P.Limted, Corporate Office, Warangal,
rep.by its Chief General manager (HRD)
2 The Superintending Engineer (Operation) Circle Northern Power Distribution

Company of A.P.Ltd. Adilabad
3 The Divisional Engineer and Enquiry Officer, Northern Power Distribution Company

of A.P.Ltd Warangal, Warangal District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order direction or writ particularly one in the nature of Writ of Mandamus or any other appropriate Writ (i) declare the proceedings Memo No.DEE.ENQ.NPDCL.WGLD.No.1492/03 D.No.449/03 dated 08-12-2003 as illegal and beyond the competency of the Divisional Engineer and Enquiry Officer (ii) declare the proceedings No.CGM (HRD)/GM(s)/AS(DC)/2102/02-9 dated 25-08-2004 as illegal, arbitrary and without jurisdiction and (iii) consequently set aside the entire proceedings.

Counsel for the Petitioner: SMT.K.UDAYA SRI

Counsel for the Respondents: MR.S.RAVINDRANATH

The Court at the admission stage made the following:

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ORDER:

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The Petitioner worked as a Helper in the respondents Company. He faced a disciplinary enquiry, and after conclusion of the said enquiry, he was imposed a punishment of "Reversion to the lower cadre i.e Assistant Lineman permanently" through the order dated 25.08.2004 under APSEB Employees Discipline Regulations.

2. A statutory appeal is provided against the order of the disciplinary authority. The petitioner, instead of preferring an appeal before the concerned authority, approached this Court, on the ground that the disciplinary authority, instead of framing charges, allowed the enquiry officer to frame charges. Therefore, the order is vitiated on account of incompetency of the enquiry officer in framing the charges.

3. All the aspects relating to the facts and law can be agitated before the appellate authority. Therefore, this is not the stage for the petitioner to approach this Court, invoking the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

4. In the light of the above circumstances, the petitioner is given liberty to approach the concerned appellate authority through an appeal and agitate his rights before the said appellate authority. In the event of petitioner preferring an appeal, the concerned authority may dispose of the same at the earliest.

5. The Writ Petition is, accordingly, dismissed as not maintainable at this stage.

dsr/cs

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

1. The Chief General Manager (HRD)

Northern Power Distribution Company of A.P.Limited,

Corporate Office, Warrangal

2. The Superintending Engineer (Operation) Circle

Northern Power Distribution Company of A.P.Ltd., Adilabad

3. The Divisional Engineer and Enquiry Officer,

Northern Power Distribution Company of A.P.Ltd.

Warrangal, Warangal District

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